THE HON'BLE MR JUSTICE B. PRAKASH RAO
AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 24004 of 2005

Between:

The Director General of Police,
Govt., of A.P., Hyderabad & others.

... PETITIONERS

AND

Sri M. Krishnaiah, PC.1131.

... RESPONDENT

ORDER: (PER THE HONOURABLE BPR,J)

Heard the learned Government Pleader for Services-I on behalf of the petitioners and Sri A. Rajendra Babu, learned counsel appearing on behalf of the respondent and at their request the main appeal is taken up for disposal.

The petitioner herein seeks to assail the order, dated 08.07.2005 passed in O.A.No.2923 of 2005 by the A.P. Administrative Tribunal, Hyderabad, by way of this Writ Petition under Article 226 of the Constitution of India. The respondent herein filed the above O.A. under Section 19 of the Administrative Tribunal Act seeking to assail the orders of discharge, dated 31.05.2005.

Admittedly, the respondent – Applicant was also received similar orders earlier and was terminated from service on the ground of irregular absence and the same was set aside. Later, on the self same ground of absence, the respondent herein was discharged from service as per the impugned order dated 31.05.2005. Instead of filing the appeal as contemplated under Rule 36 of the APCS (CCA) Rules, the respondent filed O.A. and the Tribunal having found that the action of the 2nd respondent therein is in violation of principles of natural justice, set aside the order dated 31.05.2005 and remitted the matter to the original authority to conduct an enquiry and pass appropriate orders.

Having heard the counsel on either side and also perused the material on record and having regard to the bar as provided under Section 20 of the Administrative Tribunals Act, no such application under Section 19 of the Act can be filed without exhausting all the alternative remedies available under the respective Rules. Admittedly,

the respondent has a right of appeal under Section 17(b) of the State and Subordinate Service Rules.

Hence, without going into the merits of the case, we allow the writ petition by setting aside the impugned order, dated 08.07.2005, and the respondent is at liberty to prefer an appeal before the authority concerned, within a period of two weeks from today and the same shall be disposed of in accordance with law after giving notice and opportunity to the parties.

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B. PRAKASH RAO, J

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RAMESH RANGANATHAN, J

Date: 16.06.2006
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